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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,405	09/10/2003	Catherine Solich		4635

7590 03/16/2005
Catherine Solich
829 SW 15th Ave.
Cape Coral, FL 33991

EXAMINER

CARTER, MONICA SMITH

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/659,405

Applicant(s)

SOLICH, CATHERINE

Examiner

Monica S. Carter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed November 12, 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "This end may be an expandable fold or gusset." and "to form an expandable fold".

Applicant is required to cancel the new matter in the reply to this Office Action.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: elements "7" and "11" could not be located in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

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informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings were received on November 12, 2004. These drawings are approved.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 3 and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Support for the limitation of the bottom seal being constructed as an expandable fold could not be located in the originally filed specification.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 4-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang ('573) in view of Brunner ('376).

Chang discloses a loose-leaf album comprising at least two flexible sheets of see-through plastic material (as seen in figure 1, the lines indicate that the sheets are of a transparent material) being superimposed over each other and sealed together at their edges (the edges around the pockets 1-3 and 7-9), at least two compartments (1-3 and 7-9) being created between the at least two superimposed sheets, a first compartment (7, 8) being open at a top edge and closed by a bottom seal (below pocket 8) substantially at a middle of the two sheets, a second of the two compartments (3) being located at a bottom of the two sheets and having an opening substantially at the middle of the two superimposed sheets and below the bottom seal (as seen in figure 1).

Chang discloses the claimed invention except for a means releasably sealing the opening.

Brunner discloses a pocket for ring binders comprising means (22) for releasably sealing the opening to the pocket. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to releasably seal the opening, as taught by Brunner, to provide the compartments with a convenient closure that prevents inserts in the compartments from being prematurely removed.

Regarding claims 2 and 6, Chang, as modified by Brunner, discloses means (11) for fastening the loose-leaf album in a binder.

Regarding claim 4, Chang, as modified by Brunner, discloses four compartments divided into two compartments on a left side (7-9) and two compartments on a right side

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(1-3), the two compartments on the left side each having means for releasably sealing an entry into the compartments (the means being the zipper fastener as disclosed by Brunner) and the two compartments on the right side being open all the time (as seen in figure 1).

Regarding claim 5, Chang, as modified by Brunner, discloses the claimed organizer in the above rejections to claims 1 and 4.

Regarding claims 7 and 8, Chang, as modified by Brunner, discloses the organizer holder being capable of being a two ring or three ring binder, since the album comprises two apertures (as disclosed in Chang) and three apertures (as disclosed in Brunner). Furthermore, the organizer holder fails to further structurally limit the organizer.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Brunner and further in view of Palmer ('098).

Chang, as modified by Brunner, discloses the claimed invention except for the first compartment extending all the way to the bottom of the two superimposed sheets to form a large compartment.

Palmer discloses a dvd sleeve comprising two superimposed sheets having a first compartment (22) that extends the entire length of the sheets (as seen in figures 1 and 4). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to provide a compartment extending all the way to the bottom

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of the superimposed sheets, as taught by Palmer, to provide an enlarged storage space for inserting large items in the compartments.

Response to Arguments

9. Applicant's arguments filed November 12, 2004 have been fully considered but they are not persuasive.

Applicant argues that it is not possible to close the pockets of Chang because of the curved edges (as seen at element 8). Applicant further argues that such a change would destroy the intent of Chang.

The examiner disagrees. Brunner discloses that it is well-known to provide loose-leaf transparent pages with pockets having a closure means (22) for retaining the items stored therein. The loose-leaf transparent page comprises a plurality of pockets for retaining both photographs and corresponding film. It would be advantageous to the page of Chang to include a closure means, as taught by Brunner, so that the photographs and corresponding film does not inadvertently fall out of the pockets. This, therefore, does not destroy the functionality of the Chang reference since the intent of Chang is to store photographs and film.

It is noted that Palmer has been solely used for disclosing the first compartment extending all the way to the bottom of the two superimposed sheets forming a large compartment and has not been relied upon for disclosing any of the other claimed limitations.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica S. Carter whose telephone number is (571) 272-4475. The examiner can normally be reached on Monday-Thursday (6:00 AM - 3:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 14, 2005

Monica S. Carter
MONICA S. CARTER
PRIMARY EXAMINER